

The Honorable Magistrate James P. Donohue

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

THE CLAUSEN LAW FIRM, PLLC, on )  
behalf of itself and all others similarly situated )  
Plaintiff, )  
v. )  
NATIONAL ACADEMY OF CONTINUING )  
LEGAL EDUCATION )  
Defendant. )

No. 2:10-cv-01023 JPD

VERIFICATION OF STATE  
COURT RECORDS

I, ERIN M. GARVEY, hereby declare:

1. I am one of the attorneys of record for Defendant National Academy of Continuing Legal Education in the above-referenced action. I am a citizen of the United States and am competent to make this declaration based upon my personal knowledge and to identify the exhibits attached hereto.

2. Pursuant to Local Rule W.D. Wash. 101(b), I verify the following documents are true and correct copies of all of the records that have been filed with the King County Superior Court under Cause No. 10-2-21857-2 SEA, *The Clausen Law Firm, PLLC v. National Academy of Continuing Legal Education*, as of today's date (see docket sheet attached as **Exhibit A**):

VERIFICATION OF STATE COURT RECORDS- 1  
NO. 10-CV-01023

999999.0040/1859424.1

LANE POWELL PC  
1420 FIFTH AVENUE, SUITE 4100  
SEATTLE, WASHINGTON 98101-2338  
206.223.7000 FAX: 206.223.7107

A. A true and correct copy of the Order Setting Civil Case Schedule, filed in King County Superior Court on June 21, 2010 (superior court docket no. 2), is attached hereto as **Exhibit B**;

B. A true and correct copy of Case Information Cover Sheet and Area Designation, filed in King County Superior Court on June 21, 2010 (superior court docket no. 3), is attached hereto as **Exhibit C**;

C. A true and correct copy of the Notice of Appearance of Lane Powell PC, attorneys for Defendant National Academy of Continuing Legal Education, filed in King County Superior Court on June 21, 2010 (superior court docket no. 4), is attached hereto as **Exhibit D**; and

D. A true and correct copy of the Notice to the Clerk re: Removal to Federal Court, filed in King County Superior Court on June 21, 2010 (superior court docket no. 5), is attached hereto as **Exhibit E**.

3. The following documents were attached to the Declaration of Erin M. Garvey in Support of Removal, previously filed with this Court, and are not re-filed herein pursuant to Local Rule W.D. Wash. 101(b):

A. Plaintiff's Complaint (superior court docket no. 1); and

**B. Summons (superior court docket no. 1).**

I declare under penalty of perjury of the laws of the United States and State of Washington that the foregoing is true and correct.

EXECUTED at Seattle, Washington on this 22nd day of June, 2010.

Erin M. Garvey

VERIFICATION OF STATE COURT RECORDS- 2

**LANE POWELL PC**  
1420 FIFTH AVENUE, SUITE 4100  
SEATTLE, WASHINGTON 98101-2338  
206.223.7000 FAX: 206.223.7107

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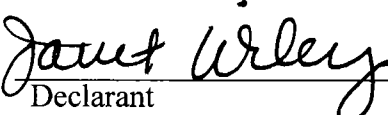
**DECLARATION OF SERVICE**

I, the undersigned, hereby declare under penalty of perjury under the laws of the United States of America and the State of Washington that on June 22, 2010, I caused to be served a true and correct copy of the foregoing document to be served on the following person(s) in the manner indicated below:

Rob Williamson  
Kim Williams

- ☒ by **CM/ECF**  
☐ by **Electronic Mail**  
☐ by **Facsimile Transmission**  
☐ by **First Class Mail**  
☐ by **Hand Delivery**  
☐ by **Overnight Delivery**

DATED this 22<sup>nd</sup> day of June, 2010 at Seattle, Washington.

  
Declarant

VERIFICATION OF STATE COURT RECORDS- 3

999999.0040/1859424.1

**LANE POWELL PC**  
1420 FIFTH AVENUE, SUITE 4100  
SEATTLE, WASHINGTON 98101-2338  
206.223.7000 FAX: 206.223.7107

# ***EXHIBIT A***



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### INSTRUCTIONS

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**Case Number:** 10-2-21857-2

**Case Title:** CLAUSEN  
LAW FIRM  
VS NATL  
ACADEMY  
OF  
CONTINUING  
LEGAL  
EDUCATION

**Filter By:** - All -

Select	Sub #▲	Pages	Date	Description
<input type="checkbox"/>	1	15	06/21/2010	SUMMONS & COMPLAINT
<input type="checkbox"/>	2	6	06/21/2010	SET CASE SCHEDULE
<input type="checkbox"/>	3	1	06/21/2010	CASE INFORMATION COVER SHEET
<input type="checkbox"/>	4	3	06/21/2010	NOTICE OF APPEARANCE
<input type="checkbox"/>	5	38	06/21/2010	NOTICE TO CLERK RE REMOVAL TO FEDERAL COURT

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# ***EXHIBIT B***

**IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF KING**

Clausen Law Firm

vs

National Academy of Continuing Legal Education

Plaintiff(s)

Defendant(s)

NO. 10-2-21857-2 SEA

Order Setting Civil Case Schedule (\*ORSCS)

ASSIGNED JUDGE North 30

FILE DATE: 06/21/2010

TRIAL DATE: 12/05/2011

A civil case has been filed in the King County Superior Court and will be managed by the Case Schedule on Page 3 as ordered by the King County Superior Court Presiding Judge.

**I. NOTICES**

**NOTICE TO PLAINTIFF:** The Plaintiff may serve a copy of this **Order Setting Case Schedule (Schedule)** on the Defendant(s) along with the **Summons and Complaint/Petition**. Otherwise, the Plaintiff shall serve the **Schedule** on the Defendant(s) within 10 days after the later of: (1) the filing of the **Summons and Complaint/Petition** or (2) service of the Defendant's first response to the **Complaint/Petition**, whether that response is a **Notice of Appearance**, a response, or a Civil Rule 12 (CR 12) motion. The **Schedule** may be served by regular mail, with proof of mailing to be filed promptly in the form required by Civil Rule 5 (CR 5).

**"I understand that I am required to give a copy of these documents to all parties in this case."**

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Sign Name

## I. NOTICES (continued)

### NOTICE TO ALL PARTIES:

All attorneys and parties should make themselves familiar with the King County Local Rules [KCLR] -- especially those referred to in this *Schedule*. In order to comply with the *Schedule*, it will be necessary for attorneys and parties to pursue their cases vigorously from the day the case is filed. For example, discovery must be undertaken promptly in order to comply with the deadlines for joining additional parties, claims, and defenses, for disclosing possible witnesses [See KCLR 26], and for meeting the discovery cutoff date [See KCLR 37(g)].

### CROSSCLAIMS, COUNTERCLAIMS AND THIRD PARTY COMPLAINTS:

A filing fee of \$200 must be paid when any answer that includes additional claims is filed in an existing case.

#### KCLR 4.2(a)(2)

A Confirmation of Joinder, Claims and Defenses or a Statement of Arbitrability must be filed by the deadline in the schedule. The court will review the confirmation of joinder document to determine if a hearing is required. If a Show Cause order is issued, all parties cited in the order must appear before their Chief Civil Judge.

### PENDING DUE DATES CANCELED BY FILING PAPERS THAT RESOLVE THE CASE:

When a final decree, judgment, or order of dismissal of all parties and claims is filed with the Superior Court Clerk's Office, and a courtesy copy delivered to the assigned judge, all pending due dates in this *Schedule* are automatically canceled, including the scheduled Trial Date. It is the responsibility of the parties to 1) file such dispositive documents within 45 days of the resolution of the case, and 2) strike any pending motions by notifying the bailiff to the assigned judge.

Parties may also authorize the Superior Court to strike all pending due dates and the Trial Date by filing a *Notice of Settlement* pursuant to KCLR 41, and forwarding a courtesy copy to the assigned judge. If a final decree, judgment or order of dismissal of all parties and claims is not filed by 45 days after a *Notice of Settlement*, the case may be dismissed with notice.

If you miss your scheduled Trial Date, the Superior Court Clerk is authorized by KCLR 41(b)(2)(A) to present an *Order of Dismissal*, without notice, for failure to appear at the scheduled Trial Date.

### NOTICES OF APPEARANCE OR WITHDRAWAL AND ADDRESS CHANGES:

*All parties to this action must keep the court informed of their addresses.* When a Notice of Appearance/Withdrawal or Notice of Change of Address is filed with the Superior Court Clerk's Office, parties must provide the assigned judge with a courtesy copy.

### ARBITRATION FILING AND TRIAL DE NOVO POST ARBITRATION FEE:

A Statement of Arbitrability must be filed by the deadline on the schedule if the case is subject to mandatory arbitration and service of the original complaint and all answers to claims, counterclaims and cross-claims have been filed. If mandatory arbitration is required after the deadline, parties must obtain an order from the assigned judge transferring the case to arbitration. Any party filing a Statement must pay a \$220 arbitration fee. If a party seeks a trial de novo when an arbitration award is appealed, a fee of \$250 and the request for trial de novo must be filed with the Clerk's Office Cashiers.

### NOTICE OF NON-COMPLIANCE FEES:

All parties will be assessed a fee authorized by King County Code 4.71.050 whenever the Superior Court Clerk must send notice of non-compliance of schedule requirements and/or Local Civil Rule 41.

King County Local Rules are available for viewing at [www.kingcounty.gov/courts/clerk](http://www.kingcounty.gov/courts/clerk).

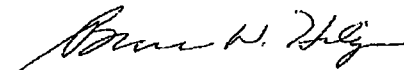
## II. CASE SCHEDULE

CASE EVENT	DEADLINE or EVENT DATE	Filing Needed
Case Filed and Schedule Issued.	Mon 06/21/2010	*
Last Day for Filing Statement of Arbitrability without a Showing of Good Cause for Late Filing [See KCLMAR 2.1(a) and Notices on Page 2]. <b>\$220 arbitration fee must be paid</b>	Mon 11/29/2010	*
DEADLINE to file Confirmation of Joinder if not subject to Arbitration. [See KCLCR 4.2(a) and Notices on Page 2].	Mon 11/29/2010	*
DEADLINE for Hearing Motions to Change Case Assignment Area. [See KCLCR 82(e)]	Mon 12/13/2010	
DEADLINE for Disclosure of Possible Primary Witnesses [See KCLCR 26(b)].	Tue 07/05/2011	
DEADLINE for Disclosure of Possible Additional Witnesses [See KCLCR 26(b)].	Mon 08/15/2011	
DEADLINE for Jury Demand [See KCLCR 38(b)(2)].	Mon 08/29/2011	*
DEADLINE for Setting Motion for a Change in Trial Date [See KCLCR 40(d)(2)].	Mon 08/29/2011	*
DEADLINE for Discovery Cutoff [See KCLCR 37(g)].	Mon 10/17/2011	
DEADLINE for Engaging in Alternative Dispute Resolution [See KCLCR 16(b)].	Mon 11/07/2011	
DEADLINE for Exchange Witness & Exhibit Lists & Documentary Exhibits [See KCLCR 4(j)].	Mon 11/14/2011	
DEADLINE to file Joint Confirmation of Trial Readiness [See KCLCR 16]	Mon 11/14/2011	*
DEADLINE for Hearing Dispositive Pretrial Motions [See KCLCR 56; CR 56].	Mon 11/21/2011	
Joint Statement of Evidence [See KCLCR (4)(k)].	Mon 11/28/2011	*
DEADLINE for filing Trial Briefs, Proposed Findings of Fact and Conclusions of Law and Jury Instructions (Do not file Proposed Findings of Fact and Conclusions of Law with the Clerk)	Mon 11/28/2011	*
Trial Date [See KCLCR 40].	Mon 12/05/2011	

## III. ORDER

Pursuant to King County Local Civil Rule 4 [KCLCR 4], IT IS ORDERED that the parties shall comply with the schedule listed above. Penalties, including but not limited to sanctions set forth in Local Civil Rule 4(g) and Rule 37 of the Superior Court Civil Rules, may be imposed for non-compliance. It is FURTHER ORDERED that the party filing this action must serve this *Order Setting Civil Case Schedule* and attachment on all other parties.

DATED: 06/21/2010



PRESIDING JUDGE

#### **IV. ORDER ON CIVIL PROCEEDINGS FOR ASSIGNMENT TO JUDGE**

##### **READ THIS ORDER BEFORE CONTACTING YOUR ASSIGNED JUDGE**

This case is assigned to the Superior Court Judge whose name appears in the caption of this case schedule. The assigned Superior Court Judge will preside over and manage this case for all pretrial matters.

**COMPLEX LITIGATION:** If you anticipate an unusually complex or lengthy trial, please notify the assigned court as soon as possible.

**APPLICABLE RULES:** Except as specifically modified below, all the provisions of King County Local Civil Rules 4 through 26 shall apply to the processing of civil cases before Superior Court Judges. The local civil rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

##### **CASE SCHEDULE AND REQUIREMENTS**

Deadlines are set by the case schedule, issued pursuant to Local Civil Rule 4.

##### **THE PARTIES ARE RESPONSIBLE FOR KNOWING AND COMPLYING WITH ALL DEADLINES IMPOSED BY THE COURT'S LOCAL CIVIL RULES.**

##### **A. Joint Confirmation regarding Trial Readiness Report:**

No later than twenty one (21) days before the trial date, parties shall complete and file (with a copy to the assigned judge) a joint confirmation report setting forth whether a jury demand has been filed, the expected duration of the trial, whether a settlement conference has been held, and special problems and needs (e.g. interpreters, equipment, etc.).

The form is available at <http://www.kingcounty.gov/courts/superiorcourt.aspx>. If parties wish to request a CR 16 conference, they must contact the assigned court. Plaintiff's/petitioner's counsel is responsible for contacting the other parties regarding said report.

##### **B. Settlement/Mediation/ADR**

a. Forty five (45) days before the trial date, counsel for plaintiff/petitioner shall submit a written settlement demand. Ten (10) days after receiving plaintiff's/petitioner's written demand, counsel for defendant/respondent shall respond (with a counter offer, if appropriate).

b. Twenty eight (28) days before the trial date, a Settlement/Mediation/ADR conference shall have been held. FAILURE TO COMPLY WITH THIS SETTLEMENT CONFERENCE REQUIREMENT MAY RESULT IN SANCTIONS.

**C. Trial:** Trial is scheduled for 9:00 a.m. on the date on the case schedule or as soon thereafter as convened by the court. The Friday before trial, the parties should access the King County Superior Court website <http://www.kingcounty.gov/courts/superiorcourt.aspx> to confirm trial judge assignment. Information can also be obtained by calling (206) 205-5984.

##### **MOTIONS PROCEDURES**

##### **A. Noting of Motions**

**Dispositive Motions:** All summary judgment or other dispositive motions will be heard with oral argument before the assigned judge. The moving party must arrange with the hearing judge a date and time for the hearing, consistent with the court rules. Local Civil Rule 7 and Local Civil Rule 56 govern procedures for summary judgment or other motions that dispose of the case in whole or in part. The local civil rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

**Nondispositive Motions:** These motions, which include discovery motions, will be ruled on by the assigned judge without oral argument, unless otherwise ordered. All such motions must be noted for a date by which the ruling is requested; this date must likewise conform to the applicable notice requirements. Rather than noting a time of day, the Note for Motion should state "Without Oral Argument." Local Civil Rule 7 governs these motions, which include discovery motions. The local civil rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

**Motions in Family Law Cases not involving children:** Discovery motions to compel, motions in limine, motions relating to trial dates and motions to vacate judgments/dismissals shall be brought before the assigned judge. All other motions should be noted and heard on the Family Law Motions calendar. Local Civil Rule 7 and King County Family Law Local Rules govern these procedures. The local rules can be found at <http://www.kingcounty.gov/courts/superiorcourt/civil.aspx>.

**Emergency Motions:** Under the court's local civil rules, emergency motions will be allowed only upon entry of an Order Shortening Time. However, emergency discovery disputes may be addressed by telephone call and without written motion, if the judge approves.

#### **B. Original Documents/Working Copies/ Filing of Documents**

**All original documents must be filed with the Clerk's Office.** Please see information on the Clerk's Office website at [www.kingcounty.gov/courts/clerk](http://www.kingcounty.gov/courts/clerk) regarding the new requirement outlined in LGR 30 that attorneys must e-file documents in King County Superior Court. The exceptions to the e-filing requirement are also available on the Clerk's Office website.

The working copies of all documents in support or opposition must be marked on the upper right corner of the first page with the date of consideration or hearing and the name of the assigned judge. The assigned judge's working copies must be delivered to his/her courtroom or the Judges' mailroom. Working copies of motions to be heard on the Family Law Motions Calendar should be filed with the Family Law Motions Coordinator. On June 1, 2009 you will be able to submit working copies through the Clerk's office E-Filing application at [www.kingcounty.gov/courts/clerk](http://www.kingcounty.gov/courts/clerk).

**Service of documents.** E-filed documents may be electronically served on parties who opt in to E-Service within the E-Filing application. The filer must still serve any others who are entitled to service but who have not opted in. E-Service generates a record of service document that can be e-filed. Please see information on the Clerk's office website at [www.kingcounty.gov/courts/clerk](http://www.kingcounty.gov/courts/clerk) regarding E-Service.

**Original Proposed Order:** Each of the parties must include an original proposed order granting requested relief with the working copy materials submitted on any motion. Do not file the original of the proposed order with the Clerk of the Court. Should any party desire a copy of the order as signed and filed by the judge, a pre-addressed, stamped envelope shall accompany the proposed order.

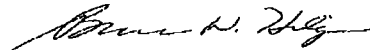
**Presentation of Orders:** All orders, agreed or otherwise, must be presented to the assigned judge. If that judge is absent, contact the assigned court for further instructions. If another judge enters an order on the case, counsel is responsible for providing the assigned judge with a copy.

**Proposed orders finalizing settlement and/or dismissal by agreement of all parties shall be presented to the assigned judge or in the Ex Parte Department. Formal proof in Family Law cases must be scheduled before the assigned judge by contacting the bailiff, or formal proof may be entered in the Ex Parte Department. If final order and/or formal proof are entered in the Ex Parte Department, counsel is responsible for providing the assigned judge with a copy.**

**C. Form**

Memoranda/briefs for matters heard by the assigned judge may not exceed twenty four (24) pages for dispositive motions and twelve (12) pages for nondispositive motions, unless the assigned judge permits over-length memoranda/briefs in advance of filing. Over-length memoranda/briefs and motions supported by such memoranda/briefs may be stricken.

**IT IS SO ORDERED. FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ORDER MAY RESULT IN DISMISSAL OR OTHER SANCTIONS. PLAINTIFF/PEITITONER SHALL FORWARD A COPY OF THIS ORDER AS SOON AS PRACTICABLE TO ANY PARTY WHO HAS NOT RECEIVED THIS ORDER.**



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**PRESIDING JUDGE**

# ***EXHIBIT C***

SUPERIOR COURT OF WASHINGTON  
COUNTY OF KING

Clausen Law Firm

NO. 10-2-21857-2 SEA

VS

National Academy of Continuing Legal

CASE INFORMATION COVER SHEET  
AND AREA DESIGNATION

CAUSE OF ACTION

(TTO) - TORT, NON-MOTOR VEHICLE

AREA DESIGNATION

**SEATTLE -** Defined as all King County north of Interstate 90 and including all of Interstate 90 right of way, all of the cities of Seattle, Mercer Island, Issaquah, and North Bend, and all of Vashon and Maury Islands.

# ***EXHIBIT D***

FILED

10 JUN 21 PM 3:28

KING COUNTY  
SUPERIOR COURT CLERK  
E-FILED

CASE NUMBER: 10-2-21857-2 SEA

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

THE CLAUSEN LAW FIRM, PLLC, on  
behalf of itself and all others similarly  
situated,

Plaintiffs,

v.

NATIONAL ACADEMY OF CONTINUING  
LEGAL EDUCATION,

Defendant.

CLASS ACTION

NO. 10-2-21857-2 SEA

NOTICE OF APPEARANCE

TO: Plaintiffs;

AND TO: Rob Williamson, Kim Williams, Williamson & Williams, Attorneys for  
Plaintiffs

AND TO: THE CLERK OF THE COURT

PLEASE TAKE NOTICE that Defendant National Academy of Continuing Legal  
Education hereby appears in this action by the undersigned attorneys and request that service  
of all papers and pleadings herein, except writs of original process, be made upon the  
undersigned attorneys at their offices. This Notice of Appearance does not waive any service

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NOTICE OF APPEARANCE - 1

999999.2010/1859538.1

LANE POWELL PC  
1420 FIFTH AVENUE, SUITE 4100  
SEATTLE, WASHINGTON 98101-2338  
206.223.7000 FAX: 206.223.7107

1 or jurisdictional defects or objections.

2 DATED: June 21, 2010

3 LANE POWELL PC

4 By 

5 Barbara J. Duff, WSBA No. 18885

6 Grant S. Egginger, WSBA No. 15261

7 Erin M. Garvey, WSBA No. 42454

8 Attorneys for Defendant

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NOTICE OF APPEARANCE - 2

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LANE POWELL PC  
1420 FIFTH AVENUE, SUITE 4100  
SEATTLE, WASHINGTON 98101-2338  
206.223.7000 FAX: 206.223.7107

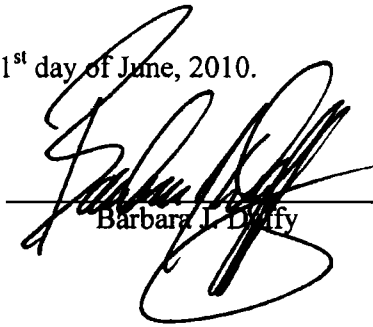
**CERTIFICATE OF SERVICE**

The undersigned certifies that on the 21<sup>st</sup> day of June, 2010, I caused to be delivered via electronic mail and U.S. Mail, first class, postage prepaid, a copy of the foregoing document to the following counsel:

Rob Williamson  
Kim Williams  
Williamson & Williams  
187 Parfitt Way SW Suite 250  
Bainbridge Island, WA 98110  
Email: [kim@williamslaw.com](mailto:kim@williamslaw.com)  
[roblin@williamslaw.com](mailto:roblin@williamslaw.com)

I declare under penalty of perjury under the laws of the State of Washington that the foregoing is true and correct.

Signed at Seattle, Washington, this 21<sup>st</sup> day of June, 2010.



Barbara J. Duffy

NOTICE OF APPEARANCE - 3

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**LANE POWELL PC**  
1420 FIFTH AVENUE, SUITE 4100  
SEATTLE, WASHINGTON 98101-2338  
206.223.7000 FAX: 206.223.7107

# ***EXHIBIT E***

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

THE CLAUSEN LAW FIRM, PLLC, on  
behalf of itself and all others similarly situated)

Plaintiff,

v.

NATIONAL ACADEMY OF CONTINUING  
LEGAL EDUCATION

Defendant.

NO. 10-2-21857-2 SEA

**NOTICE TO SUPERIOR COURT  
CLERK OF REMOVAL TO FEDERAL  
COURT**

TO: Clerk of the Court

AND TO: The Clausen Law Firm, PLLC, Plaintiff

AND TO: Kim Williams and Rob Williamson, their attorneys

NOTICE IS HEREBY GIVEN, pursuant to 28 U.S.C. § 1331, 1332, 1441 and 1446, that defendant National Academy of Continuing Legal Education filed a Notice of Removal, Declaration of Erin M. Garvey in Support of Removal, Declaration of Guy Tsadik in Support of Removal, and Notice to Plaintiffs of Removal, copies of which are attached to this Notice, for removal of the above-entitled action to the United States District Court for the Western District of Washington at Seattle.

This removal terminates this Court's jurisdiction and all proceedings in this forum pursuant to 28 U.S.C. § 1331, 1332, 1441 and 1446.

NOTICE TO SUPERIOR COURT CLERK OF  
REMOVAL TO FEDERAL COURT - 1

999999.0040/1859090.1

**LANE POWELL PC**  
1420 FIFTH AVENUE, SUITE 4100  
SEATTLE, WASHINGTON 98101-2338  
206.223.7000 FAX: 206.223.7107

1 DATED: June 21, 2010

2 LANE POWELL PC

3  
4 By Erin M. Garvey  
5 Grant S. Degginger, WSBA No. 15261  
6 Barbara J. Duffy, WSBA No. 18885  
7 Erin M. Garvey, WSBA No. 42454  
8 Attorneys for Defendant National Academy of  
9 Continuing Legal Education  
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NOTICE TO SUPERIOR COURT CLERK OF  
REMOVAL TO FEDERAL COURT - 2

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